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APPLICATION NO. FILING DATE		ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/785,607	10/785,607 02/24/2004 35489 7590 09/22/2005		Avi Ashkenazi	P1216R1C1D5	3220	
35489				EXAM	EXAMINER	
HELLER EHRMAN LLP 275 MIDDLEFIELD ROAD MENLO PARK, CA 94025-3506			HADDAD, MAHER M			
				ART UNIT	PAPER NUMBER	
	,			1644		
				DATE MAILED: 09/22/2005	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

1				
	Application No.	Applicant(s)		
Office Action Surrence	10/785,607	ASHKENAZI ET AL.		
Office Action Summary	Examiner	Art Unit		
TI MANUANO DATE SEMI-	Maher M. Haddad	1644		
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with	the correspondence address		
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICA 16(a). In no event, however, may a reply rill apply and will expire SIX (6) MONTH: cause the application to become ABAN	TION. y be timely filed S from the mailing date of this communication. DONED (35 U.S.C. § 133).		
Status				
1) Responsive to communication(s) filed on 15 Ju	<u>ly 2005</u> .			
· = · · · · · · · · · · · · · · · · · ·	action is non-final.			
3) Since this application is in condition for allowan	•	•		
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 1	1, 453 O.G. 213.		
Disposition of Claims				
4) Claim(s) <u>54,55 and 57-59</u> is/are pending in the				
4a) Of the above claim(s) is/are withdraw	vn from consideration.			
5)⊠ Claim(s) <u>54-55 and 57-59</u> is/are allowed. 6)□ Claim(s) is/are rejected.				
7) Claim(s) is/are rejected.				
8) Claim(s) are subject to restriction and/or	election requirement.			
Application Papers				
9)⊠ The specification is objected to by the Examiner	·.			
10)⊠ The drawing(s) filed on <u>11 July 2005</u> is/are: a) accepted or b)⊠ objected to by the Examiner.				
1	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.				
Priority under 35 U.S.C. § 119	animon Note the altached e	7. 100 7. 101 101 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 1	19(a)-(d) or (f).		
a) ☐ All b) ☐ Some * c) ☐ None of:				
1. Certified copies of the priority documents	1. Certified copies of the priority documents have been received.			
2. Certified copies of the priority documents have been received in Application No				
3. Copies of the certified copies of the priority documents have been received in this National Stage				
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.				
2 12 111 1111 1111 1111 1111 1111 1111 1111 1111				
		·		
Attachment(s)				
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4/19/05.	6) Other: <u>See Co</u>			
L.S. Petent and Trademark Office PTOL-326 (Rev. 7-05) Office Act	tion Summary	Part of Paper No./Mail Date 20050916		

Continuation of Attachment(s) 6). Other: RAW SEQUENCE LISTING ERROR REPORT and Notice to Comply with Requirements for Nucleotide sequence and/or amino acid sequence.

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DETAILED ACTION

1. Applicant's amendment, filed 7/15/05, is acknowledged.

- 2. Claims 54-55 and 57-59 are pending and allowed.
- 3. The amendment filed 7/15/05 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The preliminary amendment filed on 7/15/05 to the sequence listing substituting of Figure 5 (SEQ ID NO: 11) with the current SEQ ID NO: 11 represents a departure from the specification and the claims as originally filed. Applicant points out that there was an error in previous sequence listing in that, the sequence rightly submitted as SEQ ID NO: 7 was erroneously further repeated as SEQ ID NO:11. Applicant additionally found that Figure 5, as filed with the present application, lacks certain N-terminal nucleotides which have been covered by the designation "SEQ ID NO:11.". Applicant contends that the entire nucleotide sequence of Figure 5 was properly shown in Figure 5 of provisional application 60/109,304, the entire disclosure of which has been incorporated by reference into present application. Applicant submits that the present submission of the correct complete sequence does not constitute new matter. However, Applicant fails to point to the specification for support that Figure 5 of provisional application 60/109,304, the entire disclosure of which has been incorporated by reference into the present application. The Examiner did not find such support in the specification as originally filed. SEQ ID NO: 11 now lists a nucleic acid that is different with respect to its N-terminal nucleotides than the one depicted in original Figure 5. The specification and the claims as originally filed have no support for the new sequence listed in SEO ID NO: 11.

Further, the drawing filed on 7/11/05 is objected to by the Examiner as it contain a new matter. The new Fig. 5 does not correspond to the original Fig. 5 since the new Fig. 5 N-terminal nucleotides are different from the original N-terminal nucleotides.

Applicant is required to cancel the new matter in the response to this Office action.

- 4. The specification is objected to because the brief figure description of Fig. 5 now shows the nucleotide sequence of SEQ ID NO: 11 which does not correspond to the nucleotide sequence of the native sequence DNA40628 as originally disclosed.
- 5. Sequence compliance: This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence.

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The substitute Sequence Listing filed on 7/11/05, is flawed and therefore not entered into the USPTO database. Please see the attached Raw Sequence Listing Error Report. Correction is required.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maher Haddad whose telephone number is (571) 272-0845. The examiner can normally be reached Monday through Friday from 7:30 am to 4:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maher Haddad, Ph.D. Patent Examiner September 19, 2005

CHRISTINA CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Application No.: 10/785, 667

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

्रिया 1. हिं	This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
_ 2	This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
] 3	. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
Д ⁴	A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
5	The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
□ 6	The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
X 7	other <u>See attachment</u> .
App	licant Must Provide:
X	An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
	An initial or s <u>ubstitute paper copy of the "Sequence Listing",</u> as well as an amendment directing its entry nto the specification.
Щ,	A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).
For	questions regarding compliance to these requirements, please contact:
For	Rules Interpretation, call (703) 308-4216 CRF Submission Help, call (703) 308-4212 PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING ERROR REPORT

BEST AVAILABLE COPY

The Bio	technology Systems Branch of the Scientific and Technical Information
Center (STIC) detected errors when processing the following computer readable
form:	1

Application Serial Number:	10/785,	607A
Source:		
Date Processed by STIC:	- $ 0$	115105
Date I locested by 5 5		7

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS. PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (http://www.uspto.gov/ebc/efs/downloads/documents.htm, EFS Submission User Manual - ePAVE).
- 2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- 3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05): U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street.

	Alexandria, VA 22	314	••			2000	·
··· <u>··</u> -	Revised 01/24/05	**************************************	<u>.</u>	<u>.</u>		121	
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17.70	Link (ASSE) and a		The second secon	A TANKS			
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Raw Sequence Listing Error Summary

ERROR DETECTED	SUGGESTED CORRECTION SERIAL NUMBER: 10/285/607A
ATTN: NEW RULES CASES	S: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE
lWrapped Nucleics Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
2Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.
3Misaligned Amino Numbering	The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
4Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
5Variable Length	Sequence(s) contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
6PatentIn 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
7Skipped Sequences (OLD RULES)	Sequence(s)missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped
	Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
8Skipped Sequences (NEW RULES)	Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000
9Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
10Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
11Use of <220>	Sequence(s) missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
"bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to tloppy disk.
13 Misuse of n/Xaa	"n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid

AMC - Biotechnology Systems Branch - 09/09/2003



IFW16

RAW SEQUENCE LISTING DATE: 07/15/2005
PATENT APPLICATION: US/10/785,607A TIME: 11:09:25

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Output Set: N:\CRF4\07152005\J785607A.raw

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4 <110> APPLICANT: Ashkenazi, Avi J.
        Fong, Sherman
         Goddard, Audrey
 6
 7
         Gurney, Austin L.
 8
         Napier, Mary A.
 9
         Tumas, Daniel
10
         Wood, William I.
12 <120> TITLE OF INVENTION: COMPOUNDS, COMPOSITIONS AND METHODS FOR
         THE TREATMENT OF DISEASES CHARACTERIZED BY A-33 RELATED
13
         ANTIGENS
16 <130> FILE REFERENCE: 39780-1216R1C1D5
18 <140> CURRENT APPLICATION NUMBER: US 10/785,607A
19 <141> CURRENT FILING DATE: 2004-02-24
21 <150> PRIOR APPLICATION NUMBER: US 09/953,499
                                                             Comply Comply Comply Comply Diskette Neede
22 <151> PRIOR FILING DATE: 2001-09-14
24 <150> PRIOR APPLICATION NUMBER: US 09/254,465
25 <151> PRIOR FILING DATE: 1999-03-05
27 <150> PRIOR APPLICATION NUMBER: PCT/US98/24855
28 <151> PRIOR FILING DATE: 1998-11-20
30 <150> PRIOR APPLICATION NUMBER: PCT/US98/19437
31 <151> PRIOR FILING DATE: 1998-09-17
33 <160> NUMBER OF SEQ ID NOS: 30
35 <170> SOFTWARE: FastSEQ for Windows Version 4.0
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39 <212> TYPE: PRT
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49 Ser Cys Ala Tyr Ser Gly Phe Ser Ser Pro Arg Val Glu Trp Lys Phe
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51 Asp Gln Gly Asp Thr Thr Arg Leu Val Cys Tyr Asn Asn Lys Ile Thr
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                                       250
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99 Lys Tyr Gln Gly Arg Leu His Val Ser His Lys Val Pro Gly Asp Val
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101 Ser Leu Gln Leu Ser Thr Leu Glu Met Asp Asp Arg Ser His Tyr Thr
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                                    105
103 Cys Glu Val Thr Trp Gln Thr Pro Asp Gly Asn Gln Val Val Arg Asp
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105 Lys Ile Thr Glu Leu Arg Val Gln Lys Leu Ser Val Ser Lys Pro Thr
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139 <223> OTHER INFORMATION: Artificial sequence

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145 ggcagtgctg acatgctcag aacaagatgg ttccccacct tctgaataca cctggttcaa 240

146 agatgggata gtgatgccta cgaatcccaa aagcaccgt gccttcagca actcttccta 300

147 tgtcctgaat cccacaacag gagagctggt ctttgatccc ctgtcagca ctgatactgg 360

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Output Set: N:\CRF4\07152005\J785607A.raw

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169 ataqtqatqc ctacqaatcc caaaaqcacc cqtqccttca qcaactcttc ctatqtcctq 660
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                                                   The ever appear in ) subsequent sequences, too.
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PATENT APPLICATION: US/10/785,607A

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